

ments, to wit, "Olive oil superfine Gaetano Giurlani Brand. Medaglie D'Oro Esposizioni Internaz Milano Torino. Gold Medal Awarded to Gaetano Giurlani, Lucca, Italy. Olio Soprafino Puro D'Oлива. Garantito Soto Qualunque," which said statements, regarding the contents of said cans, were false and misleading and deceived and misled the purchaser into believing that the contents of said cans were pure Italian olive oil of the Gaetano Giurlani brand, which is a pure Italian olive oil, whereas, in truth and in fact, the contents of the said cans were not pure Italian olive oil of the Gaetano Giurlani brand, but were, in fact, Spanish olive oil.

On November 25, 1919, A. Giurlani & Bros., San Francisco, Calif., having entered an appearance as claimant of the goods and petitioned the court for a dismissal of the cause, and having paid the costs of the proceedings and executed bond in the sum of \$221.18, in conformity with section 10 of the act, it was ordered by the court that the libel be dismissed and that the goods be delivered to said claimant after they had been relabeled.

E. D. BALL, *Acting Secretary of Agriculture.*

8562. Misbranding of olive oil. U. S. * * * v. 11 Cases of Gallon Cans, 8 Cases of One-half Gallon Cans, and 5 Cases of Quart Cans of Olive Oil. Judgment of dismissal. (F. & D. No. 11174. I. S. No. 2966-r. S. No. W-485.)

On September 16, 1919, the United States attorney for the District of New Mexico, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 11 cases of gallon cans, 8 cases of one-half gallon cans, and 5 cases of quart cans of olive oil, consigned by R. Gerber & Co., Chicago, Ill., remaining unsold in the original unbroken packages at Albuquerque, N. M., alleging that the article had been shipped on or about April 30, May 3, July 13, July 21, and July 25, 1917, and February 11, 1918, and transported from the State of Illinois into the State of New Mexico, and charging misbranding in violation of the Food and Drugs Act, as amended. The article was labeled in part, "Otimo Brand Virgin Olive Oil Importato Puro Olio D'Oлива Packed for R. Gerber and Co., Chicago, Ill.," and "One gallon net contents," "One-half gallon net contents," or "Net one full quart."

It was alleged, in substance, in the libel that the said cans, being labeled as above set forth, with regard to the contents thereof, were misbranded in that they contained food in package form, and the quantity of the contents was not plainly and conspicuously marked on the outside of the package, in that they did not contain the amount of oil as set forth on the labels respectively upon the said cans.

On November 4, 1919, R. Gerber & Co., Chicago, Ill., having entered an appearance as claimant of the goods and petitioned the court for a dismissal of the cause, and having paid the costs of the proceedings and executed bond in the sum of \$500, in conformity with section 10 of the act, it was ordered by the court that the libel be dismissed, and that the goods be delivered to said claimant after they had been relabeled under the supervision of this department.

E. D. BALL, *Acting Secretary of Agriculture.*

8563. Misbranding of Prickly Ash, Poke Root, and Stillingia Compound with Iodides. U. S. * * * v. 140 Bottles of Prickly Ash, Poke Root, and Stillingia Compound with Iodides. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 11239. I. S. No. 2967-r. S. No. W-487.)

On or about September 16, 1919, the United States attorney for the western District of Washington, acting upon a report by the Secretary of Agriculture,

filed in the District Court of the United States for said district a libel for the seizure and condemnation of 140 bottles of Prickly Ash, Poke Root, and Stillingia Compound with Iodides, remaining in the original unbroken packages at Seattle, Wash., alleging that the article had been shipped by the Allan-Pfeiffer Chemical Co., St. Louis, Mo., on or about July 3, 1919, and transported from the State of Missouri into the State of Washington, and charging misbranding in violation of the Food and Drugs Act, as amended. The article was labeled in part: (Carton) "A Powerful Purifier of the Blood, for Impure Blood, Blotches, Salt Rheum, Sores, Rheumatism, Pimples, Pustules, Scald Head, Ulcerations, Syphilitic Affections, Renovates the System * * * in the purification of the blood and the cleansing of the system * * * of great value in Syphilitic Disorders and Rheumatism * * * highly recommended for treatment of tumors, cancer, rheumatism and diseases arising from impurities of the blood * * * remedy in syphilitic affections * * * in secondary syphilis, scrofula, skin diseases, chronic liver troubles and other complaints * * * in secondary and tertiary syphilis;" (label) "* * * Cleanses the blood, Purifies the System, Strengthens the Muscles, Tones up the System * * *."

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it consisted of plant extractives, including a laxative drug, potassium iodid, alcohol, sugar, and water.

Misbranding of the article was alleged in substance in the libel for the reason that the statements aforesaid, appearing on the carton and label of the bottle containing the article, regarding its curative and therapeutic effects, were false and fraudulent in that said article did not contain any ingredient or combination of ingredients capable of producing the effects claimed for it.

On November 3, 1919, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

E. D. BALL, *Acting Secretary of Agriculture.*

8564. Adulteration and misbranding of egg noodles. U. S. * * * v. 35 Cases and 24 Cartons of Egg Noodles. Judgment of dismissal. Product released on bond. (F. & D. No. 11649. I. S. No 3486-r. S. No. W-553.)

On December 11, 1919, the United States attorney for the District of New Mexico, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 35 cases and 24 cartons containing retail packages of a product, labeled in part "Six ounces net, Tri-State Brand Egg Noodles Manufactured by Sharp Elliott Mfg. Co., El Paso, Texas," remaining unsold in the original unbroken packages at Las Vegas, N. M., alleging that the article had been shipped on December 24, 1918, and transported from the State of Texas into the State of New Mexico, and charging misbranding in violation of the Food and Drugs Act, as amended.

Adulteration of the article was alleged in substance in the libel for the reason that the retail packages purported to contain egg noodles, whereas the contents of said retail packages were not egg noodles, but were plain noodles containing little or no egg, which had been substituted wholly or in part for the article.

Misbranding was alleged in substance for the reason that the labels on the packages containing the articles bore the following statements regarding the contents of said packages, to wit, "Six Ounces Net" and "Tri-State Brand Egg Noodles," which statements were false and misleading and deceived and misled the purchaser thereof into the belief that the contents of the packages were noodles made with eggs, and said packages contained 6 ounces net weight,